IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 8TH JUNE 2007 / 18TH JYAISHTA 1929

WP(C).No. 17346 of 2007(M)

PETITIONER:

V.T.PRADEEPKUMAR, S/O. BALAKRISHNAN,
THALIYATH HOUSE, MEHANYAM P.O., PERAMBRA,
KOZHIKODE DISTRICT.

BY ADV. SRI.JOHN JOSEPH(ROY)

RESPONDENTS:

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1. THE KOZHIKODE DISTRICT CO-OPERATIVE
BANK LTD.NO.F-1635, REPRESENTED BY
ITS GENERAL MANAGER, HEAD OFFICE, KOZHIKODE.

2. THE SALE OFFICER & CO-OPERATIVE
JOINT REGISTRAR (GENERAL), KOZHIKODE DISTRICT
CO-OPERATIVE BANK, KOZHIKODE.

R1 BY SHRI P.V. KUNHIKRISHNAN, SC.

R2 BY GOVERNMENT PLEADER (SHRI P. N. SANTHOSH)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 17346 OF 2007 M

Dated this the 8th June, 2007

JUDGMENT

Case of the petitioner, in brief, is as follows:

Petitioner availed a loan for agricultural purpose from the first respondent. Due to financial difficulty on account of crop failure, the amount could not be repaid. Petitioner was served with Ext.P1 attachment notice. He challenges Ext.P1 and seeks a direction to keep in abeyance all further proceedings pursuant to the Award in ARC No.214/04 till the Government of Kerala decides the issue finally.

2. I heard the learned counsel for petitioner and the learned counsel for the respondent Bank besides the learned Government Pleader. Learned counsel for the petitioner submits that the petitioner may be permitted to pay off the amount remaining to be paid in ten equal monthly instalments. Having regard to all facts, I am inclined to permit the petitioner to pay off the amount in ten equal monthly instalments. Learned

counsel for the respondent Bank submits that if this Court is inclined to grant time to repay the amount in instalments, the petitioner may be directed to pay some amount to show his bonafides. Having regard to all facts, the Writ Petition is disposed of as follows:

If the petitioner pays a sum of Rs.5,000/= (Rupees Five Thousand) within a period of two weeks from today, the respondent Bank will serve a Statement on the petitioner showing the balance amount to be paid by the petitioner by way of ten equal monthly instalments, within one month from today. Upon receipt of the Statement showing the amount to be paid in instalments, petitioner is permitted to pay off the amount to the first respondent Bank in ten equal monthly instalments, the first of which shall be payable on or before 1.8.2007. If the petitioner does not remit either Rs.5,000/= or any instalment, he will lose the benefit of this Judgment and the respondent Bank will be free to proceed against the petitioner in accordance with

law. In the meantime, if the petitioner complies with the terms of this Judgment, the impugned proceedings pursuant to Ext.P1 shall not be enforced.

K. M. JOSEPH, JUDGE

kbk.